IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 14436 of 2004

Between:

Peetha Chandra Varma, S/o. Venkata Rao, President
The Thrilochanapuram Agnikula Khatriya field labour Co.Op Society Ltd.,
JUPUDI, Krishna District A.P.

..... PETITIONER

AND

1 The Govt of A.P., rep. by its Prl. Secretary, Agricultural & Cooperatie

Dept., Secretariat, Hyd.
2 The Registrar of Cooperative Societies, Opp to Gandhi Bhavan,

Nampally, Hyd.
3 Dy. Registrar of Co.Op. Societies, AMC, Complex, Governorpet, Jaihind

Talkies Road, Vijayawada520 002, Krishna District.
4 Smt. K. Satyavathi, Special Officer, Thrilochanapuram AGKFLCS Ltd.,

JUPUDI and Cooperative Sub-Registrar (Weaker Sections),

O/o. Divisional Cooperative Officer, Vijayawada.

5 Peetha Venkateswara Rao S/o.Sreemannarayana, 56 years,

Occu:Agriculture, R/o.Kesavapuram village, Ibrahimpatnam Mandal,

Krishna District.

6 Sykam Nageswara Rao S/o.Ramaiah, 57years,

Jupudi, Ibrahimpatnam Mandal, Krishna District.

(Respondents 5 and 6 are impleaded as per Court order dt.8.02.2005,

in WPMP.No.554 of 2005)

...RESPONDENTS

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the proceedings No.3466/2002/F Dt. 9.8.2004 issued by the Dy. Registrar of Co-Op Societies, Gandhinagar, Vijayawada-2, superseding the managing Committee of Thrilochanapuram Agnikula Kshatgriya Field Labour Cooperative Society Ltd Jupudi, Krishna District and appointing the Cooperative Sub-Registrar (Weaker Sections) Vijayawada, the 4th respondent herein as the Special Officer, is illegal, contrary to law, excessive and violative of the principles of natural justice as enshrined in Article 14 of the Constitution of India and thus void and consequently set aside the same.

Counsel for the Petitioner: MR.RAVI KUMAR TOLETY

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4:Mr. P.Lingeswara Rao

Counsel for the Respondent Nos.5&6: Mr.M.Prabhakar Rao

The Court at the stage of admission made the following Order :

The petitioner was elected as President of Thrilochanapuram Agnikula Kshatriya Field Labour Cooperative Society Ltd., Jupudi Village, Krishna District (for short 'the Society'), along with other members of the Managing Committee. The Deputy Registrar of Cooperative Societies, the 3rd respondent herein, issued a show cause notice to the petitioner and other members of the Managing Committee, directing them to show cause as to why the Managing Committee shall not be superceded, on account of the lapses indicated therein. The petitioner and certain Directors submitted their explanations. Some of the Directors have opposed the functioning of the petitioner and the Managing Committee. The 3rd respondent passed an order dated 09-08-2004, superceding the Managing Committee of the society and appointing the 4th respondent as person-in-charge. The petitioner challenges the order of the supercession, dated 09-08-2004, passed by the 3rd respondent.

One of the contentions advanced on behalf of the petitioner is that though a detailed explanation was submitted by him, in response to the show cause notice, the same was not taken into account by the 3rd respondent, while passing the impugned order.

This Court would certainly have dealt with the contention advanced on behalf of the petitioner, but for the fact that a regular appeal is provided for, under Section 76 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'), against the impugned

order, which in turn is passed under Section 34 of the Act. The petitioner can avail the remedy; and the Cooperative Tribunal would be in a better position to appreciate and examine the contention advanced on behalf of the petitioner.

This Court granted interim order on 16-08-2004, and the order of supercession was not given effect to, so far. The petitioner can file an application before the Cooperative Tribunal for appropriate interim orders.

For the foregoing reasons, the writ petition is disposed of, directing that,

a. It shall be open to the petitioner to prefer an appeal under Section 76 of the Act against the order dated

   09-08-2004, passed by the 3rd respondent. If such an application is presented within two weeks from today, it shall be entertained, as having been filed within the period of limitation.

b. The order of supercession shall remain stayed for a period of four weeks from today, and in the meanwhile, it shall be open to the petitioner to file an application and seek appropriate interim orders from the Tribunal.

There shall be no order as to costs.

_____

L. NARASIMHA REDDY, J.

Dt.08-02-2005.

KO

To

1 The Principal Secretary, Agricultural & Cooperative Dept.,

Govt of A.P., Secretariat, Hyderabad.
2 The Registrar of Cooperative Societies,

Opp to Gandhi Bhavan, Nampally, Hyderabad.
3 The Deputy Registrar of Co.Op. Societies, AMC, Complex,

Governorpet, Jaihind Talkies Road, Vijayawada520 002l,

Krishna District.

4 Smt. K. Satyavathi, Special Officer, Thrilochanapuram AGKFLCSLtd., JUPUDI and Cooperative Sub-Registrar (Weaker Sections), O/o. Divisional Cooperative Officer, Vijayawada.

5 2 C.Cs to G.P. for Cooperation, High Court of A.P., High Court Buildings, Hyderabad (OUT)

6 2 CD copies.